



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304-2345
Telephone Number: (304) 926-0495
Fax Number: (304) 926-0463

Austin Caperton, Cabinet Secretary
www.dep.wv.gov

**ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11**

TO: Chemours Company FC, LLC
P.O. Box 1217
Washington, WV 26181

ORDER NO.: 8797

DATE: July 30, 2018

INTRODUCTION

The following findings are made and Order issued to Chemours Company FC, LLC (herein after "permittee") pursuant to the authority vested in the Director of the Division of Water and Waste Management under Chapter 22, Article 11, Section 1 et seq. of the Code of West Virginia.

FINDINGS OF FACT

In support of this Order, the Director finds the following:

1. Chemours Company GC, LLC (permittee) owns and operates a polymer resins; compounded plastics; nylon fibers; formaldehyde; fluorocarbon polymers, monomers, telomers; and calcium fluoride manufacturing facility in Wood County, WV. The permittee was previously reissued WV/NPDES Permit No. WV0001279 on the 4th day of August 2003 to discharge treated process, cooling, storm water runoff, and other wastewater through Outlets 001 - 028 into the Ohio River in the vicinity of Mile Point 190.
2. WV/NPDES Permit No. WV0116581 was issued to the permittee in 2011 as part of the Riverbank Landfill Capping Project which is adjacent to the operations covered by WV/NPDES Permit No. WV0001279. The landfill was part of a historical waste management unit utilized at the facility in the 1950's and 1960's. During construction of the

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capping project, the permittee had to eliminate, replace, and/or reroute storm water discharges covered under WV/NPDES WV0001279. WV/NPDES Permit No. WV0116581 ultimately resulted in the creation of Outlets 030-034 and 036-037 under said permit and eliminated Outlets 014, 015, 017, 018, 020, 021, 027, and 029 contained in WV/NPDES Permit No. WV0001279. Additionally, the permittee ultimately rerouted the storm water from Outlet 037 back to Outlet 005 covered by WV/NPDES Permit No. WV0001279.

3. WV/NPDES Permit Nos. WV0001279 and WV0116581 contained storm water benchmarks for iron, aluminum, and total suspended solids at Outlets 016, 019, 022, 025, 026, 030-034, and 036. Based on a review of DMRs, historical data indicates many storm water outfalls have exceeded benchmarks for aluminum, iron, and/or total suspended solids. Iron and aluminum have had exceedances at Outlets 016, 019, 022 (also TSS), 025, 026 (also TSS), 030-034, and 036. While exceeding benchmark values does not constitute a violation of the permit, failure to revise and implement changes to the storm water pollution prevention plan (SWPPP) in order to achieve benchmark values is a violation of these prior permits.
4. WV/NPDES Permit No. WV0001279 was reissued on the 30th day of July 2018 to discharge treated process, cooling, storm water runoff, and other wastewater through Outlets 001-036 into the Ohio River in the vicinity of Mile Point 190. As part of this permit reissuance, storm water Outlets 030-034 and 036 previously covered under WV/NPDES Permit No. WV0116581 are being covered under this permit and WV/NPDES Permit WV0116581 will be terminated.
5. The reissued WV/NPDES Permit No. WV0001279 contains effluent limitations for fecal coliform at Outlet 002. Based on a review of available effluent data, the permittee cannot currently comply with the final effluent limitations for fecal coliform at this outlet.

ORDER FOR COMPLIANCE

And now, therefore, in accordance with Chapter 22, Article 11, Section 1 et. Seq. of the WV Code, the permittee is hereby ORDERED to do the following:

1. The permittee shall immediately take measures to initiate compliance with all terms and conditions of the permit WV/NPDES No. WV0001279.
2. On or before October 31, 2018, the permittee shall submit to the Division of Water and Waste Management a corrective action plan which identifies the causes of the exceedances of the benchmark values, what actions have been taken in the past, and what revisions to the SWPPP will be made in order to achieve benchmark values. In addition, the permittee shall submit an updated and revised SWPPP.
3. The permittee shall submit quarterly progress reports identifying the revisions made to the SWPPP until the permittee achieves benchmark values for Outlets 016, 019, 022, 025, 026, 030-034, and 036 that shall ensure compliance with the terms and conditions of the permit.

4. The permittee shall come into compliance with the final NPDES permit effluent limitations for fecal coliform at Outlet 002 as soon as possible but no later than August 31, 2021. During this timeframe the permittee shall evaluate and take all necessary actions to come into compliance with the final permit effluent limitations for fecal coliform at Outlet 002.
5. The permittee shall submit a Plan of Action on or before October 31, 2018 outlining the measures the permittee will take to achieve the fecal coliform permit limitations at Outlet 002. The permittee shall submit semiannual progress reports thereafter summarizing the actions taken, and any additional actions to be taken in the future to ensure compliance with the final permit limitations for fecal coliform.
6. Final Fecal Coliform Limitations mean a monthly geometric mean limitation of no more than 200 counts/100 ml and a daily maximum limitation of no more than 400 counts/100 ml at Outlet 002. Interim Fecal Coliform Limitations mean a monthly geometric mean limitation of monitor only and a daily maximum limitation of monitor only at Outlet 002 through August 31, 2018. The permittee shall comply with the final fecal coliform limits as soon as possible but no later than September 1, 2021. Until that time, the permittee shall comply with the interim fecal coliform requirements at Outlet 002.

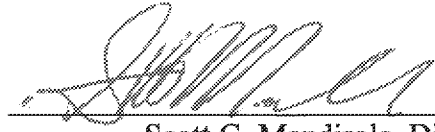
OTHER PROVISIONS

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving the permittee of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject the permittee to additional enforcement action in accordance with the applicable law.
2. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions of this Order to be invalid or unenforceable, all other provisions shall remain in full force and effect.
3. This Order is binding on the permittee, its successors and assigns.
4. This Order shall terminate upon the permittee's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this Order which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the Code of West Virginia within thirty (30) days after receipt of this Order.

This Order shall become effective upon receipt.



Scott G. Mandirola, Director
Division of Water and Waste Management

SGM/jl

cc: Env. Insp. Supervisor
EPA Region III